

REMARKS

Status

Claims 1-23 were pending in the present Office Action. This response does not cancel or add any claims. Accordingly, it is claims 1-23, as now amended, which are at issue.

The Office Action

In the Office Action mailed July 27, 2007, the drawings were objected to under 37 CFR 1.83. In addition, claims 1-23 were rejected under 35 U.S.C. §112, second paragraph, with regard to particular informalities noted by the Examiner.

Claims 1, 6-9, 12, 16-19 and 21-23 were rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent 6,729,372 of Koster. Claims 2 and 3 were rejected under 35 U.S.C. §103 as being unpatentable over Koster taken in view of European Patent 0407322 of Rafaello. Claims 14-20 were rejected under 35 U.S.C. §103 as being unpatentable over Koster.

Applicant thanks the Examiner for the search, for the Office Action, and for the thorough explanation of the basis of the rejections.

The Amended Claims

Applicant amended claims 1 to 23 to further define Applicant's claimed invention. Applicant reserves the right to pursue the elements deleted from the claims in a future application.

The Drawings

In the Office Action, the Examiner objected to the drawings under 37 C.F.R. §1.83(a). In particular, the Examiner contended that elements of claims 2, 4 and 5 were not shown in the drawings. Applicant amended claims 2, 4 and 5 to recite features shown in the drawings. Applicant submits that this objection has been overcome.

The Examiner objected to the drawings under 37 C.F.R. §1.84(p)(5) as not showing reference number 25. Applicant amended Fig. 2 to show reference number 25. Applicant submits that this objection has been overcome.

The Rejection under 35 U.S.C. §112

The Examiner rejected claims 1 to 23 under 35 U.S.C. §112, second paragraph. In particular, the Examiner sought clarification concerning the term “means” as formerly used in the claims. Applicant has deleted this term from the claims. Applicant does not wish to invoke 35 U.S.C. §112, sixth paragraph.

The Examiner objected to the use of the term “associated with” as formerly used in claims 1, 10, 11 and 21 to 23. Applicant deleted this term, rendering the objection moot.

The Examiner objected to claim 3 because “said vehicle” lacked antecedent basis. Applicant submits that the amendment of claim 3 renders this objection moot.

The Examiner objected to claims 4 and 5, contending that they did not have clear support in the specification. Applicant respectfully disagrees. Applicant submits that the subject matter would be readily understood by a person of ordinary skill in the art without undue experimentation. Nonetheless, in order to expedite prosecution of this application, Applicant amended these claims to recite different subject matter, rendering this objection moot.

The Examiner objected to claim 10 as being unclear. Applicant amended claim 10 to recite the mechanical sensor arm moving along the trunk ahead of the blade member. Applicant submits that this objection has been overcome.

The Examiner objected to claims 13 and 15 as not being clear as to how the spring interacts with the rest of the positively recited elements. Applicant amended claims 13 and 15 to

more clearly define the interaction of the spring. Applicant submits that this objection has been overcome.

The Examiner objected to claim 17 as not being clear. Applicant amended claim 17 to recite where “said cutting edges form a substantially circular cutting edge when in the closed position.” Applicant submits that claim 17, as now amended, is clear.

The Examiner objected to claim 18 as being indefinite. Applicant amended claim 18 to recite where “said blade members are arrayed in overlapping arrangement when in the closed position.” Applicant submits that claim 18, as now amended, is definite.

Applicant submits that the rejection of the claims under 35 U.S.C. §112, second paragraph has been overcome.

The Rejections under 35 U.S.C. §103

The Examiner rejected claims 1, 6-9, 12, 16-19 and 21-23 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,729,373 to Koster et al. (“Koster”). Independent claim 1, as now amended, recites a tree pruning apparatus including a pruning assembly with a plurality of jaws and “a plurality of blade assemblies mounted on said jaws, each of said blade assemblies having a blade member with a cutting edge, an actuator adapted to move said blade member, and a sensor operably connected to said actuator to cause said actuator to move said blade member to dynamically maintain a selected clearance between the trunk and said cutting edge.” Koster discloses a tree delimber 10 having an arm 12 and a ram 28 “extended to move the lever portion 26, which has caused the rigid curved member 20 to pivot about the pivot point 22, which has in turn, caused the segments 18 to extend around the tree trunk 5.” (Koster, col. 3, lines 10-14; Fig. 2). Koster does not teach or suggest a plurality of blade assemblies that each have an actuator, but instead teaches a single ram 28 that moves segments 18 on one of the arms. Moreover,

Koster does not teach or suggest sensors as recited in independent claim 1 of Applicant's claimed invention; and hence, claim 1 and all claims dependent thereupon now recite subject matter neither shown nor suggested in Koster.

Independent claim 21, as now amended, recites a tree pruning method, including the step of "independently moving two adjacent blade members relative to one another as the pruning assembly is driven along the elongate supporting body." The segments 18 of Koster are pivotally connected to one another and not configured for independent movement. (See Koster, col. 3, lines 10-14). Claim 21, as now amended, describes a method neither shown nor suggested in Koster.

Independent claim 22, as now amended, recites a tree pruning apparatus including "a plurality of actuators operably connected to said blade members" and "a plurality of electronic sensors" that are "adapted to signal said actuators to move said blade members." Applicant submits that Koster does not teach or suggest the subject matter of claim 22 of Applicant's claimed invention.

Independent claim 23, as now amended, recites a tree pruning method including "electronically sensing the trunk of the tree as the pruning assembly is driven along the elongate supporting body; and individually moving one or more of said blade members in response to a signal from the electronic sensing." Koster does not teach or suggest electronically sensing the tree trunk. Moreover, Koster does not teach or suggest individually moving one or more blade members. As noted above, segments 18 of the Koster delimber are pivotally connected to one another. Claim 23, as now amended, defines subject matter neither shown nor suggested in Koster.

Applicant submits that the rejection of claims 1, 6-9, 12, 16-19 and 21-23 under 35 U.S.C. § 102(e) as being anticipated by Koster has been overcome.

The Rejections under 35 U.S.C. §103

The Examiner rejected claims 2 and 3 under 35 U.S.C. §103(a) as being unpatentable over Koster in view of EP 0407322 to Raffaello; and rejected claims 14 and 20 under 35 U.S.C. §103(a) as being unpatentable over Koster. Applicant submits that the rejections of claims 2, 3, 14 and 20 are rendered moot at least because they depend from an allowable independent claim, or claims dependent therefrom.

Applicant submits that independent claims 1 and 21-23 are patentable and that dependent claims 2-20 dependent from independent claim 1, or claims dependent therefrom, are patentable at least due to their dependency from an allowable independent claim.

In view of the foregoing remarks, it is respectfully submitted that the claims, as amended, are patentable. Therefore, it is requested that the Examiner reconsider the outstanding rejections in view of the preceding comments. Issuance of a timely Notice of Allowance of the claims is earnestly solicited.

Conclusion

In view of the amendments, corrected drawing, and remarks submitted herewith, Applicant respectfully submits that all rejections and objections set forth in the first Office Action are overcome. The claims now define subject matter clearly patentable over the prior art. The application is in condition for allowance. Any questions, comments or suggestions the Examiner may have which will place the application in still better condition for allowance should be directed to the undersigned attorney.

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Respectfully submitted,

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